S.B. CIVIL WRIT PETITION NO. 2472/2006.

DATE OF ORDER : 12.09.2006.

**HON'BLE MR. GOVIND MATHUR, J.**

Mr. L.R. Calla for the petitioner/s.
Mr. B.L. Tiwari, Dy.GA, for the respondent/s.

In pursuant to an order dated 04.05.2006 passed by District Education Officer (Elementary Education), Jodhpur, the Senior Deputy District Education Officer- cum- Block Elementary Education, Panchayat Samiti, Shergarh, Jodhpur by order dated 05.05.2006 directed the petitioner to report in the office of Block Elementary Education Officer, Bhopalgarh. Being aggrieved by the same, the instant petition for writ is preferred on the count that the order dated 05.05.2006 is having an essence of arbitrariness for the reason that though the petitioner is holding the post of Teacher Grade III, but he has been ordered to report in the office of Block Elementary Education Officer, Panchayat Samiti, Shergarh, where no teaching work is available.

A reply to the writ petition has been filed on behalf of the respondents stating therein that the order impugned Annexure 1 dated 05.05.2006 is passed in pursuant to the order dated 04.05.2006 passed by the District Education Officer to keep Head Quarter of the petitioner at Bhopalgarh as certain enquiries are pending against him and only with view to avoid

interference of the petitioner in those enquiry proceedings, his Head Quarter has been changed.

Heard counsel for the parties.

From perusal of the order dated 04.04.2006, it is apparent that the petitioner has been ordered to report in the office of Block Elementary Education, Panchayat Samiti, Shergarh, and his Head Quarter is also fixed, there. It is pertinent to note that the petitioner has neither been transferred nor is placed under suspension. There is no authority with the District Education Officer (Elementary Education) to change in the Head Quarter while the petitioner is posted as Teacher Grade III at Bhopalgarh. The respondents has also failed to satisfy the Court that under what powers, the District Education Officer (Elementary Education) has fixed the petitioner's Head Quarter at Bhopalgarh without placing him under suspension. In view of it, the order impugned lacks jurisdiction and therefore, the same is declared illegal.

Accordingly, this petition for writ is allowed. The order dated 04.05.2006 and consequential order dated 05.05.2006 are quashed. No order as to costs.

**(GOVIND MATHUR)J.**

Anil/